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Serving the People of California

DIRECTIVE

Date: August 13, 1996

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TO: SERVICE DELIVERY AREA ADMINISTRATORS  
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS  
JTPD PROGRAM OPERATORS  
EDD JOB SERVICE OFFICE MANAGERS  
JTPD STAFF

SUBJECT: ADDITIONAL BARRIERS TO EMPLOYMENT

## EXECUTIVE SUMMARY

### **Purpose:**

This Directive revises some of the policies and procedures contained in Interim Directive Number 93-4, which it supersedes, and reiterates those policies and procedures which do not require revision. Revisions include the elimination of specific references to the two-year planning period ending June 30, 1994, and changes in the procedure for requesting approval of additional barriers from the state. This Directive reissues the state-approved list of additional barriers to employment (Attachment I) and the state's criteria for approving additional barriers to employment (Attachment II).

### **Scope:**

Service Delivery Areas (SDA) may select additional categories of barriers to be effective during each two-year plan period. One additional barrier may be selected for each of the following programs: the Title II-A Adult Training Program; the Title II-C In-School Youth Training Program; and the Title II-C Out-of-School Youth Training Program. Additional barriers will be approved by the state, using the information and criteria established in this Directive.

### **Effective Date:**

This Directive is effective immediately.

## REFERENCES:

- Job Training Partnership Act (JTPA) Sections 4(35), 203(b), (c) and (d); and 263(b), (d), (e) and (h)
- Job Training Plan and Substate Plan Handbook of Instructions

## **STATE-IMPOSED REQUIREMENTS**

This Directive contains state-imposed requirements which are printed in ***bold, italic type***.

## **FILING INSTRUCTIONS**

This Directive supersedes Interim Directive Number 93-4. Retain this Directive until further notice.

## **BACKGROUND:**

The Job Training Reform Amendments of 1992 required that, beginning with Program Year 1993, not less than 65 percent of program participants in Title II-A and Title II-C programs must be in hard-to-serve categories specified in the JTPA. Hard-to-serve individuals are defined at JTPA Section 4(35) as individuals who are “included in one or more of the categories described in section 203(b) or subsection (b) or (d) of section 263.” The Act allows SDAs to select one additional serious barrier each for Title II-A Adult programs, Title II-C In-School Youth programs and Title II-C Out-of-School Youth programs.

The Governor must approve the additional barriers selected by SDAs and must identify all the approved additional barriers in the Governor’s Coordination and Special Services Plan (GCSSP). The establishment of a state-approved list from which SDAs may select allows SDAs the option of selecting a pre-approved additional barrier, and thereby avoid waiting for approval from the state or possible disapproval and the need to select a new barrier.

To develop the state-approved list, the Job Training Partnership Division (JTPD) sought recommendations from SDAs and received suggestions for approximately 50 different additional barriers. The final state-approved list was developed using the specific criteria also used to approve or disapprove additional barriers proposed by SDAs which do not appear on the final state-approved list.

## **POLICY AND PROCEDURES**

### **1. Selecting Additional Category Of Barrier To Employment**

- a. In accordance with JTPA Sections 203(d) and 263(h), SDAs may identify additional categories of barriers to employment for purposes of meeting the requirement that a minimum of 65 percent of program participants be in hard-to-serve categories under Title II-A and Title II-C. As stated in Sections 203(c) and 263(e), the additional categories of barriers may be used for purposes of establishing eligibility for individuals who are not economically disadvantaged.
- b. The SDAs may specify a total of three additional categories of barriers, one each for the Title II-A Adult Program, the Title II-C In-School Youth Program, and the Title II-C Out-of-School Youth Program. Selection of additional categories is optional. The SDAs may elect not to select any additional

categories of barriers to employment or may select a barrier for only one or barriers for two of the subtitles.

- c. The SDAs may select barriers from the state-approved list of additional barriers to employment (Attachment I) or SDAs may specify barriers other than those on the attached list. The attached list indicates for which fund categories each barrier is pre-approved. For example, Alternative School Student is pre-approved only for the Title II-C Out-of-School Youth Program. In selecting the additional category, consideration should be given to which categories are most appropriate for the area and which will result in service to the most-in-need. If the category is not on the pre-approved list, SDAs must justify why that category constitutes a serious barrier to employment in the area and must identify specific documentation/evidence supporting the category.***

## ***2. Requesting Approval Of Additional Barrier(s) From The State***

- a. The additional barrier to employment must be identified in Part II Section 6 G of the two-year Job Training Plan.***
- b. If the barrier selected is on the state-approved list, no additional information is needed.***
- c. Justification for barriers not included on the state-approved list must include the following:***
  - i) A description of why the proposed category is a serious barrier to employment for potentially eligible JTPA participants within the SDA; and***
  - ii) A description of the specific written documentation which evidences the proposed category as a serious barrier in the SDA.***

## ***3. State's Criteria For Approving Additional Barriers To Employment***

- a. Attachment II, Criteria for State's Approval of Additional Barriers, provides the basis for the review and approval of additional barriers described in the SDA Job Training Plan.***
- b. If a proposed barrier is on the state-approved list of additional barriers, the state will approve the category; or if the proposed barrier is a multiple barrier and one barrier is on the list, the state will approve the category.***
- c. If the proposed barrier is not on the state-approved list, the state will assess the justification and description of the supporting documentation, and will either approve or disapprove the additional barrier in accordance with the criteria stated in Attachment II. Once the additional barrier(s) not on the state list has been approved, it will remain in effect until it is***

***rescinded or replaced by another approved barrier(s). The barrier(s) must be identified in each two-year Job Training Plan, in accordance with the procedures in 2.a. above.***

#### **4. Due Date For Submitting Requests For Approval Of Additional Barriers**

***Requests for the approval of additional barriers may be submitted as part of the two-year Job Training Plan, the second year modification of the Plan, or an adjustment to the Plan requiring PIC concurrence. The due dates for the two-year Job Training Plan and the second year modification will be established for each two-year period by the JTPD. Plan adjustments requiring PIC concurrence may be submitted at the discretion of the SDA.***

#### **5. State's Action On Requests**

- a. The state will review all requests in accordance with the criteria established in Attachment II.***
- b. Approval of the Job Training Plan, modification or adjustment requiring PIC concurrence will constitute approval of the additional barrier(s). In the event that the state does not approve a requested additional barrier which is not on the state-approved list (Attachment I), appropriate staff will notify the SDA and require that the SDA remove the proposed barrier from the Job Training Plan, modification or adjustment.***

#### **ACTION:**

In accordance with the procedures above, SDAs wishing to request additional barriers to employment, or change a currently approved barrier(s), should submit their requests as part of the next two year Job Training Plan, second year modification or adjustment requiring PIC concurrence.

#### **INQUIRIES:**

Address questions regarding this directive to your assigned Program Manager or to Georganne Pintar, Manager of JTPD's Policy Unit, at (916) 654-7611.

/S/ VICKI J. JOHNSRUD  
Acting Chief

#### **Attachments**

- 1. State-Approved Additional Barriers to Employment (Attachment I)
- 2. Criteria for State's Approval of Additional Barriers (Attachment II)

## STATE-APPROVED ADDITIONAL BARRIERS TO EMPLOYMENT

STATE-APPROVED ADDITIONAL BARRIERS	TITLE II CATEGORY			DEFINITION OF BARRIER	ACCEPTABLE DOCUMENTATION/ VERIFICATION MAY INCLUDE ONE OR MORE OF THE FOLLOWING <sup>1</sup> :
	Adult	In- School Youth	Out-of- School Youth		
1. <i>Alternative school student</i>			X	<i>Any youth enrolled in an alternative school setting including schools such as continuation, corrections, court ordered, community, home study, adult education or special education.</i>	<ul style="list-style-type: none"> <li>• <i>School records, report cards or statement from school</i></li> <li>• <i>Referral from school counselor</i></li> </ul>
2. <i>At risk of dropping out of school</i>		X		<i>A student who has chronic attendance or discipline problems at school or whose educational achievement is beneath expected levels.</i>	<ul style="list-style-type: none"> <li>• <i>School records, report cards or statement from school</i></li> <li>• <i>Referral from school staff person, probation officer or other responsible person</i></li> </ul>
3. <i>Displaced homemaker</i>	X			An individual who has been providing unpaid services to family members in the home and who has been dependent either on public assistance and whose youngest child is within 2 years of losing eligibility under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.); or on the income of another family member but is no longer supported by that income; and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. [See Job Training Partnership Act (JTPA) 4(29)]	<ul style="list-style-type: none"> <li>• <i>Authorization for cash public assistance</i></li> <li>• <i>Copy of public assistance check</i></li> <li>• <i>Medical Card or public assistance identification showing cash grant status</i></li> <li>• <i>Death certificate, divorce decree, or letter from applicant specifying abandonment of spouse or family member.</i></li> <li>• <i>Income tax records</i></li> </ul>
4. <i>Limited English language proficient</i>	X	X	X	<i>The inability of an individual, whose native language is not English, to communicate in English.</i>	<ul style="list-style-type: none"> <li>• <i>Documentation from school or English as a Second Language (ESL) institution</i></li> <li>• <i>School records or statement from school</i></li> <li>• <i>Inability to communicate in English as documented by staff</i></li> </ul>
5. <i>Older Individual with low income</i>	X			<i>Individuals age 55 or older whose income does not exceed 125% of the Poverty Guideline.</i>	<ul style="list-style-type: none"> <li>• <i>Driver license</i></li> <li>• <i>Birth certificate</i></li> <li>• <i>Passport</i></li> <li>• <i>Social Security records</i></li> <li>• <i>Income tax records</i></li> <li>• <i>Bank statements</i></li> <li>• <i>Public assistance records</i></li> </ul>

<sup>1</sup> The Department of Labor Technical Assistance Guide (TAG) on eligibility documentation also contains numerous forms of acceptable documentation which would satisfy the requirement for acceptable documentation.

STATE-APPROVED ADDITIONAL BARRIERS	TITLE II CATEGORY			DEFINITION OF BARRIER	ACCEPTABLE DOCUMENTATION/ VERIFICATION MAY INCLUDE ONE OR MORE OF THE FOLLOWING:
	Adult	In- School Youth	Out-of- School Youth		
6. <i>Participant in gang activities</i>	X	X	X	<i>Adult or youth who is involved in organized gang activity as defined by local law enforcement agencies.</i>	<ul style="list-style-type: none"> <li>• <i>Police report</i></li> <li>• <i>Referral from law enforcement, probation, social agencies</i></li> <li>• <i>Referral by community-based gang task force or organization</i></li> </ul>
7. <i>Non-cash welfare recipient</i>	X	X	X	<i>Recipient of non-cash welfare benefits such as Food Stamps or other non-cash benefits</i>	<ul style="list-style-type: none"> <li>• <i>Food Stamp receipts, cards or letter from Food Stamp disbursing agency</i></li> <li>• <i>Public assistance records</i></li> </ul>
8. <i>Youth who is a member of a family receiving public assistance</i>		X	X	<i>An individual age 16 through 21 whose family receives public assistance, either in cash or non-cash form regardless of whether the youth is part of the grant. Includes youths in foster care.</i>	<ul style="list-style-type: none"> <li>• <i>Public Assistance identification card, Medical card, or other welfare agency records</i></li> <li>• <i>Refugee Assistance Record</i></li> <li>• <i>Food Stamp receipts, cards or letter from Food Stamp disbursing agency</i></li> <li>• <i>Court order or court contact</i></li> <li>• <i>Statement from Foster Care agency</i></li> <li>• <i>Verification of payments made on behalf of foster child</i></li> </ul>
9. <i>Resident of high crime area or high poverty area identified by the Private Industry Council (PIC)</i>	X	X	X	<p><i>Individuals residing in a geographic area within the SDA identified as a high crime or high poverty area which is designated by the PIC as a target area for JTPA services.</i></p> <p><i>A high crime area is defined by local law enforcement agencies; and a high-poverty area is measured by the number of persons in poverty according to Census tract data.</i></p>	<ul style="list-style-type: none"> <li>• <i>Proof of residency such as current driver license; utility bills or other appropriate mailings to individual or individual's family at the claimed home address; Housing Authority verification; landlord statement; letter from social service or public assistance agency.</i></li> </ul>
10. <i>Resident of public housing</i>	X	X	X	<i>Any individual living in subsidized housing or whose family receives housing subsidies, rent assistance or reduced rent via any federal, state, or local housing program.</i>	<ul style="list-style-type: none"> <li>• <i>Verification by the agency or organization administering the housing program</i></li> <li>• <i>Utility bill received at address of specific public housing facility</i></li> <li>• <i>Statement from the Public Housing Authority that the residence is part of the Public Housing project coupled with standard residence documentation</i></li> </ul>
11. <i>Migrant or Seasonal Farmworker</i>	X	X	X	<i>Adults and youth who are employed, or in the case of youth, whose families are employed, on a seasonal basis in the growth, processing, or transportation of agricultural products.</i>	<ul style="list-style-type: none"> <li>• <i>Unemployment Insurance (UI) documentation</i></li> <li>• <i>Wage records</i></li> </ul>

STATE-APPROVED ADDITIONAL BARRIERS	TITLE II CATEGORY			DEFINITION OF BARRIER	ACCEPTABLE DOCUMENTATION/ VERIFICATION MAY INCLUDE ONE OR MORE OF THE FOLLOWING:
	Adult	In- School Youth	Out-of- School Youth		
12. <i>Single parent with dependent children under age 6</i>	X	X	X	<i>Single parent (male or female) who is head of a household with one or more dependent children under the age of 6.</i>	<ul style="list-style-type: none"> <li>• <i>Public Assistance identification card, Medical Card, or other welfare agency records</i></li> <li>• <i>Income tax records</i></li> </ul>
13. <i>Substance abuser</i>	X	X	X	<i>Individual with a history of substance abuse, including current or former abuse of either drugs or alcohol.</i>	<ul style="list-style-type: none"> <li>• <i>Documentation from an organization providing counseling or treatment to drug abusers or alcoholics</i></li> <li>• <i>Referral from appropriate agency or physician</i></li> <li>• <i>Referral by Halfway House</i></li> </ul>
14. <i>Veteran</i>	X	X	X	An individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable [JTPA(4)(27)(A)].	<ul style="list-style-type: none"> <li>• <i>Military discharge papers (DD214)</i></li> <li>• <i>Documentation from the Veterans Administration</i></li> </ul>
15. <i>Victim of family violence or disruption</i>	X	X	X	<i>A victim of spousal parental, or child abuse or family violence, or a member of a violent or abusive family.</i>	<ul style="list-style-type: none"> <li>• <i>Police/court records</i></li> <li>• <i>Child welfare shelter referrals</i></li> <li>• <i>Referral by therapists, counselors, or medical personnel</i></li> <li>• <i>Child Welfare Service Referral</i></li> </ul>

## CRITERIA FOR STATE'S APPROVAL OF ADDITIONAL BARRIERS

IF THE PROPOSED BARRIER:	AND THE PROPOSED BARRIER:	THEN THE STATE WILL:
1. <i>Is on the state-approved list of additional barriers.</i>	a. <i>Is a single barrier or</i> b. <i>Is combined with:</i> 1) <i>another barrier on the state-approved list, or:</i> 2) <i>One or more factors such as economic disadvantage, poor work history, or unemployment or long-term unemployment</i>	<i>Approve the category as an additional barrier.</i>
2. <i>Is not on the list of state-approved additional barriers and is not on the list of categories for hard to serve under §203(b)(1) through (6); §263(b)(1) through (6); or §263(d)(1) through (6).</i>	a. <i>Would meet the definition of barrier to employment or artificial barrier to employment as defined in the JTPA glossary (JTPA Directive 87-7)<sup>1</sup>; has supportable basis in the SDA for inclusion<sup>2</sup>; and can be acceptably documented<sup>3</sup></i>	<i>Approve the category as an additional barrier.</i>
	b. <i>Is solely comprised of individuals with a poor work history or individuals who are unemployed</i>	<i>Not approve the category; this is not an acceptable additional barrier because §203(d) and §263(h) prohibit an additional barrier comprised solely of individuals who are unemployed or who have poor work histories.</i>
	c. <i>Cannot be supported by written or acceptable alternative forms of documentation other than self-certification</i>	<i>Not approve the category; adequate and supportable documentation is necessary to avoid audit exceptions based on inadequate documentation.</i>
	d. <i>Cannot be adequately addressed or overcome by the services available through the SDA or its peripheral resources</i>	<i>Not approve as there would be no point in serving people whose barriers cannot be overcome by the services available.</i>
3. <i>Is included on the list of categories for hard-to-serve under §203(b)(1) through (6); §263(b)(1) through (6); or §263(d)(1) through (6).</i>		<i>Not approve as a category of additional barrier because it is already an authorized barrier.</i>

<sup>1</sup> Barriers to Employment: Any demonstrable characteristic of an applicant that has, in the applicant's opinion, served to limit, hinder or prohibit that person's opportunities for employment and/or promotion. Differentiate from artificial barriers to employment.

Artificial Barrier to Employment: Limitations such as age, sex, race, national origin, or physical status in hiring, firing, promotion, licensing, and conditions of employment that are not directly related to an individual's fitness or ability to perform the tasks required by the job.

<sup>2</sup> The proposed barrier must be identified as being an employment barrier to potentially eligible Job Training Partnership Act (JTPA) participants within the Service Delivery Area (SDA) and the SDA has evidence for justification.

<sup>3</sup> Examples of acceptable documentation can be found in the list of state-approved barriers and in the Department of Labor's (DOL) Technical Assistance Guide on Title II Eligibility Documentation.